

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

TYRONE MAYE,

Plaintiff,

**1:10-cv-1260
(GLS/DRH)**

v.

STATE OF NEW YORK et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Tyrone Maye
Pro Se
1117 Texas Avenue
Houston, TX 77002

FOR THE DEFENDANTS:

*Habshi, Frettoloso,
Conine, Schwartz, and Morrison*
NO APPEARANCE

**Gary L. Sharpe
District Court Judge**

MEMORANDUM-DECISION AND ORDER

Plaintiff *pro se* Tyrone Maye commenced this action against the defendants, asserting claims pursuant to 42 U.S.C. § 1983 and New York law for violations of his civil rights. On September 29, 2011, the court issued a memorandum-decision and order dismissing Maye's claims

against all of the defendants except Habshi, Frettoloso, Conine, Schwartz, and Morrison. (See Dkt. No. 75.) In so doing, Maye was provided with notice and an opportunity to address the timeliness of his claims against these defendants, notwithstanding the court's authority under 28 U.S.C. § 1915(e)(2)(B)(ii) to *sua sponte* dismiss time-barred claims. (See *id.* at 12-13.) Maye opted to do so, and filed a supplemental brief on this issue. (See Dkt. No. 77.) Having reviewed Maye's brief—which essentially seeks to toll the statute of limitations on his 42 U.S.C. § 1983 claim on the date that Maye filed his notice of claim for his cause of action under N.Y. Gen. Mun. Law § 50—the court, for the reasons articulated in its September 29, 2011 memorandum-decision and order,¹ concludes that Maye's claims against the remaining defendants are untimely. (See *generally* Dkt. No. 77.) As such, Maye's claim against Habshi, Frettoloso, Conine, Schwartz, and Morrison are dismissed.

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), Maye's claim against Habshi, Frettoloso, Conine, Schwartz, and Morrison are

¹ See Dkt. No. 75 at 12-13 (discussing the timeliness of Maye's Fourth Amendment claim against defendants Habshi, Frettoloso, Conine, Schwartz, and Morrison).

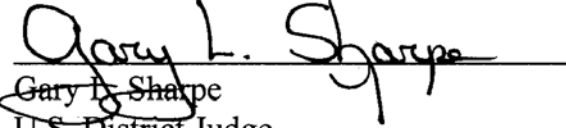
DISMISSED and Habshi, Frettoloso, Conine, Schwartz, and Morrison are
TERMINATED as parties; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Memorandum-
Decision and Order to the parties by mail and certified mail.

IT IS SO ORDERED.

November 15, 2011
Albany, New York



Gary L. Sharpe
U.S. District Judge